

# ***TRANSPORTATION COMMITTEE***

## ***ADMINISTRATIVE RULES REVIEW***

### ***Table of Contents***

#### ***2005 Legislative Session***

##### **IDAPA 35 - STATE TAX COMMISSION**

###### ***35.01.05 - Motor Fuels Tax Administrative Rules***

Docket No. ***35-0105-0401*** .....2

##### **IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**

###### ***39.03.06 - Rules Governing Allowable Vehicle Size***

Docket No. ***39-0306-0401*** .....15

###### ***39.03.11 - Rules Governing Overlegal Permittee Responsibility and Travel Restrictions***

Docket No. ***39-0311-0401*** .....19

###### ***39.03.41 - Rules Governing Traffic Control Devices***

Docket No. ***39-0341-0401*** .....24

# Senate Transportation Committee

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.05 - MOTOR FUELS TAX ADMINISTRATIVE RULES

#### DOCKET NO. 35-0105-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any changes between the text of the proposed rule and text of the pending rule.

**The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004, Idaho Administrative Bulletin, Vol. 04-10, pages 577 through 586.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Randy Nilson, at (208) 334-7530.

DATED this 17th day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 63-105, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and

## Senate Transportation Committee

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**STATE TAX COMMISSION**  
**Motor Fuels Tax Administrative Rules****Docket No. 35-0105-0401**  
**PENDING RULE**

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purpose of the proposed rulemaking:

**Rules 000 – Legal Authority, 002 – Written Interpretations, 003 – Administrative Appeals, 004 – Public Records, 500 – Idaho Clean Water Trust Fund Transfer Fee, 501 – Petroleum Transfer Fee Suspended, 510 – Application and Reporting of the Petroleum Transfer Fee** are being amended to correct references to Idaho Code sections that were renumbered in previous years.

**Rule 005 – Office – Office Hours – Street and Mailing Addresses – Phone and Facsimile Numbers – E-mail Address** is being amended to add the State Tax Commission's Web site address and to update the Tax Commission's taxpayer services' e-mail address.

**Rule 140 – Deductions** are being amended to remove outdated 1998 effective date language.

**Rule 292 – Calculation of Refunds for Nontaxable Uses of Motor Fuels in Motor Vehicles** is being amended in Subsection 292.05.a., to add special fuels consumed while idling as an activity not eligible for a special fuels tax refund. This change is being made due to the passage of HB684 by the 2004 Idaho Legislature.

**Rule 420 – documentation for IFTA Licensee Reporting and Special Fuels Users Claiming Nontaxable Use of Special Fuels in a Motor Vehicle** is being amended to remove an additional records requirement in Subsection 420.04.e., because the quarterly mileage tax collected by the Idaho Transportation Department was repealed.

**Rule 421 – Documentation for Idaho International Registration Plan and Full Fee Registrants** is a new rule needed to set out the recordkeeping requirements for certain registrant's of motor vehicles in Idaho. HB474 gave the Tax Commission the authority to conduct audits of motor vehicle registration applications for the Transportation Department.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: N/A

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the proposed changes are of a simple nature.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Randy Nilson, at (208) 334-7530.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 12th day of August, 2004.

Randy Nilson, Tax Policy Specialist  
Idaho State Tax Commission

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

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Docket No. 35-0105-0401  
PENDING RULE

800 Park Bl., Plaza IV,  
P.O. Box 36, Boise, ID 83722-0410

#### THE FOLLOWING IS THE TEXT OF THE PENDING

##### **000. LEGAL AUTHORITY (RULE 000).**

According to sections 63-~~513~~105(2), 63-2427, 40-312 and 41-49089, Idaho Code, the Tax Commission promulgates rules implementing the provisions of the Idaho Transportation Department and the Idaho Motor Fuels Tax Act and the provisions of the Idaho Clean Water Trust Fund Act relating to the Idaho Clean Water Trust Fund Transfer Fee. ~~(6-23-94)( )~~

#### **(BREAK IN CONTINUITY OF SECTIONS)**

##### **002. WRITTEN INTERPRETATIONS (RULE 002).**

This agency has written statements as defined in Section 67-5201(19)(b)(iv), Idaho Code, which pertain to the interpretation of the rules of this chapter or to the documentation of compliance with the rules of this chapter. To the extent that such documents are not confidential under Sections 63-2434, 41-49089, 63-3076, 63-3077, or 9-337 through 9-350, Idaho Code, they are available for public inspection and copying at the main office of the State Tax Commission. See Rule 005 of these rules for the main office address. ~~(3-15-02)( )~~

##### **003. ADMINISTRATIVE APPEALS (RULE 003).**

This chapter does allow administrative relief in the provisions outlined under Sections 63-2434, 41-49089, and 63-3045 through 63-3049, Idaho Code and pursuant to Rules promulgated by the Commission found in the Commission's administration and enforcement rules relating to income taxation, IDAPA 35.02.01. ~~(7-1-97)( )~~

##### **004. PUBLIC RECORDS (RULE 004).**

The records associated with this chapter are subject to the provisions of the Idaho Public Records Act, Chapter 3, Title 9, Idaho Code, to the extent that these documents are not confidential under Sections 63-2434, 41-49089, 63-3076, 63-3077, or 9-337 through 9-350, Idaho Code. Non-confidential records are available for public inspection and copying at the main office of the State Tax Commission. See Rule 005 of these rules for the main office address. ~~(3-15-02)( )~~

##### **005. OFFICE -- OFFICE HOURS -- STREET AND MAILING ADDRESSES -- WEB SITE ADDRESS -- PHONE AND FACSIMILE NUMBERS -- E-MAIL ADDRESS (RULE 005).**

**01. Main Office.** The State Tax Commission main office is located at 800 Park Blvd., Plaza IV, Boise, Idaho 83712-7742. The correspondence mailing address is P.O. Box 36, Boise, Idaho 83722-0410. The State Tax Commission's Web site address is tax.idaho.gov. The telephone number for Taxpayer Services is (208) 334-7660, or toll free 1-(800)-972-7660, and the facsimile number is (208) 334-7846. The e-mail address is "taxrep@tax.~~state.id.us~~idaho.gov". All offices

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

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are open from 8 a.m. to 5 p.m. ~~except Saturday, Sunday and Monday~~ through Friday except for legal holidays. (3-15-02)( )

**02. Regional Field Offices.** The address and phone number for each regional field office is listed in IDAPA 35.02.01.005 "Tax Commission Administration and Enforcement Rule 005." (3-15-02)

**03. Hearing Impaired.** Hearing impaired individuals may contact any State Tax Commission office by using the Idaho Relay Service Number 1(800)377-3529. (3-15-02)

### (BREAK IN CONTINUITY OF SECTIONS)

#### 140. DEDUCTIONS (RULE 140).

**01. Motor Fuels and Petroleum Products Presumed to Be Distributed.** Unless the contrary is established, it shall be presumed that all motor fuels and other petroleum products imported into this state by a distributor, which are no longer in the possession of that distributor, have been distributed. If the licensed distributor has returned to the refinery or pipeline terminal motor fuels and other petroleum products on which the tax and/or transfer fee has been paid or has had an accidental loss, the licensed distributor has the burden of showing the petroleum products were returned to the refinery or pipeline terminal or documenting the accidental loss. No refund of the transfer fee will be allowed for accidental losses of motor fuels or other petroleum products. (7-1-98)

**02. Distributor's and Retail Dealer's Allowances for Motor Fuels.** ~~(EFFECTIVE JULY 1, 1998) (Prior to July 1, 1998 this Subsection only applied to sales of gasoline and aircraft engine fuel.)~~ The distributor shall certify on his report that the one percent (1%) credit allowance has been afforded the retail dealer to cover the dealer's shrinkage, evaporation, spillage or handling losses for motor fuel. The State Tax Commission shall then allow the additional one percent (1%) deduction unless a retail dealer claims that he did not receive the credit allowance. If such claim is made, the State Tax Commission shall require the licensed distributor to provide documentary proof that the one percent (1%) credit allowance has been afforded the retail dealer, and unless the distributor establishes that the credit has been afforded to the retail dealer, the deduction will be disallowed. In the case of sales of motor fuel to retail dealers, to establish that the allowance of one percent (1%) of the tax has been passed to the purchaser, the invoice must show either: (7-1-99)( )

- a. That the amount of the allowance has been passed on; or (7-1-98)
- b. A statement that the allowance has been deducted in determining the price. (7-1-98)

**03. ~~Distributor's Allowance for Special Fuels.~~** ~~(EFFECTIVE UNTIL JULY 1, 1998) The distributor who reports and pays the special fuels tax retains all of the two percent (2%) allowance and is not required to pass down a portion of the allowance to the retail dealer.~~

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

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~~(7-1-99)~~

**043. Exported Fuel.** Motor fuels or other petroleum products claimed as exported from Idaho must be supported by records. Records must include the following: (7-1-98)

**a.** Tax reports or other evidence that will verify that the exported product was reported to and any tax due was paid to the jurisdiction into which the product was claimed to have been exported or evidence that the purchaser is a licensed distributor in the jurisdiction to which the exported product is destined; and (7-1-98)

**b.** Common carrier shipping documents, bills of lading, manifests, and cost billings; or (7-1-98)

**c.** Invoices, manifests, bills of lading or other documentation, signed by the receiving party to acknowledge receipt of the product; or (7-1-98)

**d.** Accounts payable or receivable information for verifying payments to common carriers or payment by out-of-state parties to verify receipt of exported product. (7-1-98)

**e.** In addition to the above, for a licensed distributor who maintains operations in Idaho, as well as other jurisdictions, evidence such as product inventory and transfer records must be retained to prove the transfer of product out of Idaho. (7-1-98)

**054. Bad Debt Write-Off.** A tax credit may be taken on the distributor's fuel tax report for fuel taxes paid on sales made after July 1, 1995. The credit is claimed when the debt has been written off for income tax purposes in the business records of the distributor. The credit may be claimed on distributor's fuel tax report each month or at the end of the distributor's tax year after a debt has been written off. (7-1-98)

**a.** First-in/first-out method for partial payments. When partial payments are received on a specific account that includes taxable fuel sales, nontaxable fuel sales, and/or other sales, the distributor must apply the payments to the unpaid sales on a first-in/first-out basis before claiming a bad debt credit. (7-1-98)

**b.** Proration of partial payments. When partial payments are received on a specific account, before and/or after a bad debt credit has been claimed on the distributor's fuel tax report, the distributor must prorate the taxable fuel sales, nontaxable fuel sales, and/or other sales which occurred on the same day or on the same invoice for each such account. (7-1-98)

### **(BREAK IN CONTINUITY OF SECTIONS)**

## **292. CALCULATION OF REFUNDS FOR NONTAXABLE USES OF MOTOR FUELS IN MOTOR VEHICLES. (RULE 292).**

**01. Fuel Records Required for Refund Claims.** Special fuels users may be eligible

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

---

for a fuels tax refund of tax-paid special fuels if their motor vehicles have accrued nontaxable miles or have power-take-off (PTO) equipment. Records must be kept as described in Subsection 290.01 of these rules. (4-5-00)

**02. Nontaxable Miles Defined.** Nontaxable miles are miles driven on roads which are not open to the public, not maintained by a governmental entity, located on private property that are maintained by the property owner, or defined in Subsection 292.03 of this rule. Miles driven on a construction site would also be considered nontaxable miles and may be eligible for a special fuels tax refund. See Rule 130 of these rules regarding application of Idaho Sales and Use Taxes. ~~(4-5-00)~~( )

**03. Additional Nontaxable Roadways.** Roadways defined in Section 63-2401, Idaho Code, include those constructed and maintained by the United States Forest Service, the United States Bureau of Land Management, the Idaho Department of Lands, or forest protective associations with which the state of Idaho has contracted or become a member pursuant to Chapter 1, Title 38, Idaho Code. The special fuels user must maintain records documenting nontaxable miles traveled on roadways that qualify for exclusion under this provision, unless using the “standard MPG” for its industry found in Subsection 290.02 of these rules. When special fuels users compute their special fuels tax liability or refund, they may exclude from total taxable miles traveled in Idaho the miles traveled on these roadways if the cost of maintaining the roadway pursuant to a contract or permit is primarily borne by them or if the special fuel user is a subcontractor of a prime contractor required by contract to bear the primary cost of maintaining the roadway. (3-15-02)

**04. Calculation.** Determine the number of taxable miles driven in Idaho following the procedure established in Subsection 290.01 of these rules. Divide this number by the actual MPG, the statutory MPG established by Subsection 290.01 of these rules, or the industry standard MPG provided by Subsection 290.02 of these rules. Subtract this number of gallons from the total Idaho tax-paid gallons purchased for the subject vehicles. (4-5-00)

**05. Power-Take-Off and Auxiliary Engine Allowances (Allowances).** Power-take-off (PTO) allowances are available for special fuels powered vehicles. Auxiliary engine allowances are available for both special fuels and gasoline-powered vehicles. (4-5-00)

**a. Standard Allowances For Special Fuels.** Nontaxable gallons of special fuels may be claimed when special fuels are used for purposes other than to operate, ~~or propel, or idle, as defined in Section 63-2401, Idaho Code,~~ a motor vehicle and the fuel is drawn from the main supply tank of the motor vehicle. Examples of uses that qualify for allowances are turning a vehicle-mounted cement mixer or off-loading product. ~~(4-5-00)~~( )

**b. Standard Allowances For Gasoline.** Nontaxable gallons of gasoline may be claimed when gasoline is used in an auxiliary engine and the fuel is drawn from the main supply tank of the licensed motor vehicle. No claim for gasoline is allowed when gasoline is used by the licensed motor vehicle’s main engine even to operate the motor vehicle’s PTO unit. (3-15-02)

**c. Rates For Standard Allowances.** The number of gallons of fuel actually delivered into the fuel tank of the vehicle may be reduced by the following allowances: (4-5-00)

## Senate Transportation Committee

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**STATE TAX COMMISSION**  
**Motor Fuels Tax Administrative Rules****Docket No. 35-0105-0401**  
**PENDING RULE**

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- i. Allowances based on unit quantities:

Allowance Type	Allowance Rates	x	Unit Quantities
Gasoline/fuel oil	0.00015 gallons	x	Gallons pumped
Bulk cement	0.1858 gallons	x	Tons pumped
Refrigeration unit/reefer	0.75 gallons	x	Hours unit operated
Tree length timber/logs	0.0503 gallons	x	Tons Hauled
Tree length timber/logs	3.46 gallons	x	Hours unit operated
Carpet cleaning	0.75 gallons	x	Hours unit operated

(3-15-02)

- ii. Allowances based on percentages:

Allowance Type	Percentage Per Gallon	x	Gallons Consumed
Concrete mixing	30%	x	Gallons consumed
Garbage compaction	25%	x	Gallons consumed

(3-15-02)

**06. Non-Standard Allowances.** A request for an allowance not listed in Subsection 292.05 of this rule, or greater than those listed must be submitted by the taxpayer to the State Tax Commission for approval before being used. Taxpayers must request approval of the proposed allowance in writing with a copy of the supporting calculations used to compute the proposed allowance. Taxpayers must send requests for approval to:

FUELS TAX POLICY  
IDAHO STATE TAX COMMISSION  
P. O. BOX 36  
BOISE, ID 83722-~~0036~~0412

The Idaho State Tax Commission may request additional information or documentation as needed in order to make a determination on the request. ~~(4-5-00)~~(\_\_\_\_)

**07. Nontaxable Gallons of Fuel Claimed by Non-IFTA Licensees.** The nontaxable gallons of fuel claimed by non-IFTA licensees may be the allowance gallons listed in Subsections 292.05 and ~~292.06~~ of this rule and/or the gallons calculated under Subsection 292.04 of this rule. Only actual MPGs, computed by adjusting total fuel as defined in Subsection 292.01 of these rules by the allowance gallons, may be used to calculate a fuels tax refund based on both nontaxable miles and allowances. Fuels tax refunds based solely on an allowance may be calculated without regard to mileage and fuel consumption (MPG) information. ~~(4-5-00)~~(\_\_\_\_)

**08. IFTA Licensees Qualifying for Power Take-Off (PTO) And Auxiliary Engine**



## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

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Allowances (Allowances). Allowances listed in Subsection 292.05 of this rule or established as provided in Subsection 292.06 of this rule may be granted for IFTA licensees by recomputing the total gallons of fuel consumed in all jurisdictions. IFTA licensees claiming refunds of Idaho fuels tax resulting from the allowances established in Subsections 292.05 and 292.06 of this rule, must file the claim on an Idaho Fuels Use Report Form 75 with the relevant supplemental worksheet.

(4-5-00)( )

a. The IFTA licensee must recompute the total taxable fuel for Idaho by deducting the gallons determined by the allowances in all jurisdictions from the total number of gallons of fleet fuel consumed that was reported on the IFTA return. Using the new net gallons consumed, recompute the fleet miles per gallon. Apply the new fleet miles per gallon to the reported Idaho taxable miles to calculate the corrected Idaho taxable gallons. To calculate the Idaho nontaxable gallons available for refund, the licensee must subtract the recomputed taxable gallons for Idaho from the original taxable gallons reported for Idaho. This nontaxable gallon figure is then entered on the line labeled nontaxable gallons on the Form 75. (4-5-00)

b. Additionally, a copy of the IFTA tax return for the period subject to the refund claim and a statement or worksheet showing how allowance was calculated must be included as an attachment to the Form 75. All refund claims are subject to review and audit, therefore, adequate documentation must be retained by the licensee. (4-5-00)

c. IFTA licensees that used an assumed MPG when preparing their original IFTA return may not claim any additional refund. (4-5-00)

### (BREAK IN CONTINUITY OF SECTIONS)

#### 420. DOCUMENTATION FOR IFTA LICENSEE REPORTING AND SPECIAL FUELS USERS CLAIMING NONTAXABLE USE OF SPECIAL FUELS IN A MOTOR VEHICLE (RULE 420).

01. **Records Required for Idaho IFTA Licensee and Special Fuels Users Claiming Nontaxable Use of Special Fuels in a Motor Vehicle.** Records are required to verify the accuracy of any tax report or worksheet filed with the State Tax Commission. The taxpayer displaying, or required to display, an IFTA decal or a temporary permit, or a special fuels user claiming nontaxable use of tax-paid special fuels in a motor vehicle using a Form 75, shall retain originals of all invoices or other documents relating to purchases of special fuels and all records relating to the mileage of the motor vehicles. (3-15-02)

02. **Fuel Records.** In order for the IFTA licensee or other special fuels user seeking a refund for the nontaxable use of special fuels in its motor vehicle to obtain credit for tax-paid purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the special fuels user showing evidence of such purchases and tax having been paid. An acceptable receipt or invoice for tax-paid purchases taken as credit must include, but not be limited to, the following: (3-15-02)

## Senate Transportation Committee

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**STATE TAX COMMISSION**  
**Motor Fuels Tax Administrative Rules****Docket No. 35-0105-0401**  
**PENDING RULE**

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- a. The date of each receipt of fuel; (7-1-98)
  - b. The name and address of the person from whom purchased or received; (7-1-98)
  - c. The number of gallons received; (7-1-98)
  - d. Both taxable and nontaxable usage of fuel; (7-1-98)
  - e. The type of fuel; (7-1-98)
  - f. The specific vehicle or equipment into which the fuel was placed; (7-1-98)
  - g. Detailed records of all withdrawals from bulk storage tanks, including the date of withdrawal, the number of gallons withdrawn, the fuel type, the unit number, the equipment type, and inventory records; and ~~(7-1-98)~~( )
  - h. Documents necessary to substantiate volume, time or weight for power-take-off and auxiliary engine allowances described in Rule 292 of these rules. (3-30-01)
- 03. Mileage Records.** Non-IFTA special fuels users who qualify to use one (1) of the “Standard MPGs” found in Rule 290 of these rules need only record and report Idaho taxable miles. All IFTA licensees and all other special fuels users seeking a fuels tax refund for nontaxable special fuels used in a motor vehicle shall maintain detailed mileage records, such as trip logs or trip sheets, on an individual-vehicle basis. Such records shall contain, but not be limited to: (3-15-02)
- a. Total trip miles, including vicinity miles, except for non-IFTA motor vehicle(s) using one (1) of the “standard miles per gallon” (MPG) found in Rule 290 of these rules; (3-30-01)
  - b. Miles traveled for taxable and nontaxable use. Only taxable miles traveled are required for non-IFTA motor vehicles using one (1) of the “standard miles per gallon” found in Rule 290 of these rules; (3-30-01)
  - c. Mileage recaps for each vehicle. IFTA licensees are required to keep mileage recaps for each jurisdiction in which the IFTA vehicle operated; (3-15-02)
  - d. Starting and ending dates of trips; (7-1-98)
  - e. Trip origin, interim stops and destination; (7-1-98)
  - f. Hubometer or odometer readings from the beginning and ending of each trip and at the crossing of each jurisdiction’s border. Interstate motor vehicles that, for certain time periods, do not cross jurisdiction borders need only record daily hubometer or odometer readings for those time periods; (7-1-98)
  - g. Complete routes of travel, including pick up and delivery locations; (7-1-98)

## Senate Transportation Committee

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**STATE TAX COMMISSION**  
**Motor Fuels Tax Administrative Rules****Docket No. 35-0105-0401**  
**PENDING RULE**

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- h.** Vehicle license number or unit number; and ~~(7-1-98)( )~~
- i.** Driver's name. (7-1-98)
- 04. Additional Records Requirements.** Other records may be required, such as: (7-1-98)
- a.** Bills of lading or manifest documents; (7-1-98)
- b.** Vehicle dispatch ledgers; (7-1-98)
- c.** Accounts payable and receivable; (7-1-98)
- d.** Lease agreements; (7-1-98)
- ~~**e.** Quarterly mileage returns filed with the Idaho Transportation Department;~~ ~~(7-1-98)~~
- ~~**fe.** Driver pay records;~~ (7-1-98)
- ~~**gf.** Driver logs;~~ (7-1-98)
- ~~**hg.** Fuel use trip permits; and~~ (7-1-98)
- ~~**ih.** Other documents used in preparing fuel tax reports.~~ (7-1-98)
- 05. Trip Summaries.** Individual trips shall be accumulated into monthly, quarterly, or annual summaries. These summaries shall be used as the basis for the miles submitted on the IFTA quarterly or annual reports, and on the worksheet submitted with the Form 75. (7-1-98)
- 06. Computer Printout Support.** Hard copies of summary computer printouts must be supported by trip sheets or logs verifying mileage traveled. (7-1-98)
- 07. Mileage Information.** Information recorded on trip sheets must be legible and reflect actual miles traveled. Mileage records must include all movement of the vehicle including loaded, empty, and tractor-only (bobtail) miles. Non-IFTA special fuels users who qualify to use a "Standard MPG" need only record and report taxable miles in Idaho. (3-15-02)
- 08. Records Retention.** The records required in this rule shall be retained for the greater of three (3) years for Idaho special fuels users or the time during which the taxpayer's income tax return is subject to adjustment by either the State Tax Commission or voluntary action by the taxpayer if the refund claim is filed with the taxpayer's Idaho income tax return. Records shall be retained for four (4) years for IFTA license holders. (7-1-98)
- 09. U.S./Metric Conversion.** The following conversion factors must be used, when necessary, to convert fuel and mileage records to U.S. or metric measurement:

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

---

Docket No. 35-0105-0401  
PENDING RULE

One (1) Liter	=	.2642 gallons
One (1) Gallon	=	3.785 liters
One (1) Mile	=	1.6093 kilometers
One (1) Kilometer	=	.62137 miles

(7-1-98)

**10. Mileage Disputes.** Whenever a mileage dispute arises between the taxpayer and the State Tax Commission, the official mileage map distributed by the appropriate authority in each jurisdiction will be used to resolve the point-to-point mileage differences. ~~(7-1-98)~~( )

### (BREAK IN CONTINUITY OF SECTIONS)

#### **421. DOCUMENTATION FOR IDAHO INTERNATIONAL REGISTRATION PLAN AND FULL FEE REGISTRANTS (RULE 421).**

Records Required For Idaho International Registration Plan and Full Fee Registrants. Registrants must keep records to verify the accuracy of any Idaho International Registration Plan or Full Fee registration application submitted to the Idaho Transportation Department. Registrants must keep the records required by Rule 420 of these rules for all registered vehicles, except for Full Fee vehicles registered at less than sixty-two thousand (62,000) lbs. GVW or those registered at the maximum tier, which is more than fifty thousand (50,000) miles per year. Also, registrants must keep individual vehicle records by registered fleet. ( )

#### **4242. -- 499. (RESERVED).**

#### **500. IDAHO CLEAN WATER TRUST FUND TRANSFER FEE (RULE 500).**

Petroleum Transfer Fee. The fee imposed by Section 41-49089, Idaho Code, is The Idaho Clean Water Trust Fund Transfer Fee. For simplicity, it shall be called the Petroleum Transfer Fee in these rules. ~~(6-23-94)~~( )

#### **501. PETROLEUM TRANSFER FEE SUSPENDED (RULE 501).**

The Petroleum Transfer Fee was suspended as of October 1, 1999. Imposition of the Petroleum Transfer Fee may be reinstated pursuant to Section 41-49089(10), Idaho Code. Unpaid petroleum transfer fees imposed for periods before October 1, 1999, are still due and may be subject to audit, assessment and collection. ~~(3-30-01)~~( )

#### **502. -- 509. (RESERVED).**

#### **510. APPLICATION AND REPORTING OF THE PETROLEUM TRANSFER FEE (RULE 510).**

##### **01. Application.**

(6-23-94)

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

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a. The Petroleum Transfer Fee applies to the receipt of any petroleum or petroleum product within this state. The amount of the fee is one cent (\$0.01) for each gallon of petroleum or petroleum product received. The fee shall be paid by the distributor who receives any petroleum or petroleum product not excluded from the fee, unless the fee has previously been paid on the same petroleum or petroleum product. (7-1-99)

b. The legal incident of the fee is on the distributor required to report it to the State Tax Commission. The fee is not required to be separately stated on any invoice, receipt, or other billing document. A choice to state separately the fee does not change its legal incidence or its nature. (6-23-94)

**02. Receipt of Petroleum Products.** Receipt of petroleum or petroleum products shall be determined according to Section 63-2403, Idaho Code. (7-1-99)

**03. Exemption to Application of the Transfer Fee.** The Petroleum Transfer Fee does not apply to petroleum or petroleum products that are: (6-23-94)

a. Returned to the refinery or pipeline terminal. (6-23-94)

b. Exported from this state. No fuel will be considered exported, unless the distributor can prove the export by documentation required by Rule 140 of these rules. (7-1-99)

c. Received by a railroad or railroad corporation or any employee of them. Petroleum or petroleum products sold by a licensed distributor to a railroad or railroad corporation or any employee of them is subject to the Petroleum Transfer Fee unless the petroleum or petroleum products are "received" by the railroad or railroad corporation as defined in Section 63-2403, Idaho Code. The exclusion for railroad employees applies only when the activity relating to the fuel is part of their employment with the railroad or railroad corporation. (7-1-99)

d. Received in retail containers of fifty-five (55) gallons or less or petroleum products to be packaged or repackaged into retail containers of fifty-five (55) gallons or less, if such containers are intended to be transferred to the ultimate consumer of the petroleum or petroleum products. (6-23-94)

**04. Casualty Loss and Shrinkage Not Deductible.** All petroleum and petroleum products received in this state that are not within an exemption or exclusion listed in this rule are subject to the fee, without further deductions or discounts despite the product's use. The deductions allowed to motor fuel distributors for fuel lost by fire or similar casualty, see Section 63-2407(3), Idaho Code; and the two percent (2%) discount for cost of collection and loss by shrinkage or evaporation, see Section 63-2407(4), Idaho Code; are not deductions applicable to the Petroleum Transfer Fee. (7-1-99)

**05. Petroleum and Petroleum Products.** The products subject to the Petroleum Transfer Fee are crude oil or any fraction of it that is liquid at a temperature of sixty (60) degrees Fahrenheit and a pressure of fourteen and seven tenths (14 7/10) psi. These products are all products refined from crude oil including but not limited to motor gasoline, alcohol blended fuels, such as gasohol and E-85, including the alcohol content of blended fuel, diesel fuel (#1 - #6), biodiesel, heating oil, aviation fuel, naphtha, naphtha-type jet fuel, kerosene-type jet fuel (JP#1 -

## Senate Transportation Committee

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### STATE TAX COMMISSION Motor Fuels Tax Administrative Rules

Docket No. 35-0105-0401  
PENDING RULE

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#8), motor oil, brake fluid, tractor fuel, distillate fuel oil, stove fuel, unfinished oils, turpentine substitutes, lamp fuel, diesel oils (#1 - #6), engine oils, railroad oils, kerosene, commercial solvents, lubricating oils, fuel oil, boiler fuel, refinery fuel, industrial fuel, bunker fuel, residual fuel oil, road oils, and transmission fluids. (7-1-99)

**06. Licensed Distributors and Limited Licenses.** Any person holding a distributor's license issued by the State Tax Commission under Section 63-2427A, Idaho Code, is also licensed for the Petroleum Transfer Fee. No additional license is required. Any person who receives any petroleum or petroleum product in this state, but who is not a licensed distributor nor required to obtain a license under Section 63-2427A, Idaho Code, shall apply to the State Tax Commission for a limited license. The limited license is only for reporting the Petroleum Transfer Fee and is not a license for any purpose under Chapter 24, Title 63, Idaho Code. (7-1-99)

**07. Reporting Requirements.** (6-23-94)

**a.** Distributors licensed under Section 63-2427A, Idaho Code, shall report and pay the Petroleum Transfer Fee with the distributor's report required by Section 63-2406, Idaho Code. For fuel subject to the taxes imposed by Sections 63-2402 and 63-2408, Idaho Code, the Petroleum Transfer Fee shall be included in the report in which the distributor is required to report the tax on the same fuel. (5-3-03)

**b.** Persons holding a limited license shall file a monthly report with the State Tax Commission on forms prescribed by the State Tax Commission on or before the last day of the month following the month to which the report relates. (7-1-99)

**c.** The provisions of Rule 130 of these rules, apply to reports of the Petroleum Transfer Fee. (7-1-99)

**08. Payment.** (6-23-94)

**a.** Payment of the fee is due on the due date of the report. For method of payment, including required use of electronic funds transfer, see Rule 010 of these rules. (6-23-94)

**b.** Any partial payment or collection of amounts shown due or required to be shown due on a distributor's report, plus any additional amount of penalty or interest due, shall be allocated between the motor fuels tax and the Petroleum Transfer Fee in the same proportion that the liability for the tax and the fee bear to the total liability. (6-23-94)

**09. Incorporation of Other Relevant Rules.** Section 41-49089, Idaho Code, incorporated by reference various provisions of the Income Tax Act, Chapter 30, Title 63, Idaho Code, to apply to the administration and enforcement of the Petroleum Transfer Fee. For applying and construing those sections as they apply to the Petroleum Transfer Fee, the Administration and Enforcement Rules relating to those sections of the Income Tax Act are adopted as part of these rules, as if set out in full. In addition, Administration and Enforcement Rule 110, (IDAPA 35.02.01.110) relating to requests for declaratory rulings, is adopted as part of these rules, as if set out in full. (~~7-1-97~~)( )

## Senate Transportation Committee

### IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

#### 39.03.06 - RULES GOVERNING ALLOWABLE VEHICLE SIZE

DOCKET NO. 39-0306-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312 and 49-1011, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The proposed rule would allow awnings to be excluded when measuring the overall width of recreational vehicles.**

**The pending rule is being adopted as proposed with no changes. The original text of the proposed rule was published in the September 1, 2004 Idaho Administrative Bulletin, Volume 04-9, pages 221 and 222.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew, Port of Entry Manager, 334-8694.

DATED this 3rd day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Section(s) 40-312(1) and 49-1011, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 15, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation

## Senate Transportation Committee

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**IDAHO TRANSPORTATION DEPARTMENT**  
**Rules Governing Allowable Vehicle Size****Docket No. 39-0306-0401**  
**PENDING RULE**

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must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a nontechnical explanation of the substance and purpose of the proposed rule-making:

**This change allows awnings to be excluded when measuring the overall width of recreational vehicles.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased.

There is no fee or charge imposed or increased with this rule-making.

**NEGOTIATED RULE-MAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because this rulemaking has been proposed at the request of the recreational vehicle industry.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Alan Frew, Port of Entry Manager, 208-334-8694.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 22, 2004.

DATED this 28th day of July, 2004.

Linda L. Emry, Management Assistant  
Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129, Boise ID 83707-1129  
Phone - 208-334-8810  
FAX - 208-334-8195

### THE FOLLOWING IS THE TEXT OF THE PENDING RULE

#### 001. TITLE AND SCOPE.

**01. Title.** This rule shall be known as IDAPA 39.03.06 "Rules Governing Allowable Vehicle Size," IDAPA 39, TITLE 03, Chapter 06. (\_\_\_\_)

**02. Scope.** This rule ~~is promulgated to~~ shall define and regulate the size of vehicles not specifically addressed in Section 49-1010, ~~of the~~ Idaho Code, ~~or to~~ and authorize vehicle sizes in excess of those specified in Section 49-1010, Idaho Code, in order to comply with federal requirements. (10-2-89)(\_\_\_\_)



## Senate Transportation Committee

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### IDAHO TRANSPORTATION DEPARTMENT Rules Governing Allowable Vehicle Size

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Docket No. 39-0306-0401  
PENDING RULE

#### **002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. ( )

#### **003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". ( )

#### **004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. ( )

#### **005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. ( )

**02. Office Hours.** Daily office hours are 7:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. ( )

**03. Telephone and FAX numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419. ( )

#### **006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ( )

**0027. -- 009. (RESERVED).**

#### **010. DEFINITIONS.**

Refer to ~~Rule~~ IDAPA 39.03.01, "Rules Governing Definitions," for definitions of the terms used in this rule. (~~10-2-89~~)( )

**011. -- 099. (RESERVED).**

#### **100. ALLOWABLE TOLERANCE, LEGAL OR PERMITTED SIZE LIMITS.**

**01. Determination of Vehicular Dimensions.** Determination of vehicular length and/or width as defined by Idaho Code or by Board regulation shall be exclusive of those external devices or appurtenances whose function is related to safe and efficient operation. (10-2-89)

**02. Appurtenances.** Rearview mirrors, turn signal lamps, splash and spray suppressant devices, awnings on recreational vehicles, ~~and~~ load induced tire bulge, and other noncargo carrying appurtenances shall be excluded from the calculation of allowable width. Front mounted refrigeration units, energy conservation devices, bolsters, mechanical fastening devices, hydraulic lift gates, external front mounted side curtain rollers, and other noncargo carrying appurtenances or devices shall be excluded from a determination of allowable length. (~~1-03-92~~)( )

## Senate Transportation Committee

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**IDAHO TRANSPORTATION DEPARTMENT**  
**Rules Governing Allowable Vehicle Size**

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**Docket No. 39-0306-0401**  
**PENDING RULE**

**03. Other Appurtenances.** Other appurtenances not listed above may not extend beyond three (3) inches on each side or end of a vehicle or load. Other appurtenances may include, but shall not be limited to, clearance lights, door handles, handholds, window fasteners, door and window trim, moldings, and load securement devices. (10-2-89)

## **Senate Transportation Committee**

### **IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**

#### **39.03.11 - RULES GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY AND TRAVEL RESTRICTIONS**

**DOCKET NO. 39-0311-0401**

#### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is **November 1, 2004**. This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 40-312 and 49-1004, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**Due to ever increasing traffic volumes on the interstate highways, the proposed rule was modified to restrict over-width permitted vehicles from operating on certain sections of interstate highways during the hours of high-commuter traffic (6:30 a.m. to 8:30 a.m. and 4 p.m. to 6 p.m.). There is a minimal impact to industry since they are already subject to high commuter traffic restrictions on non-interstate state highways.**

**At the recommendation of the Legislative Services Office, Subsection 200.06 has been amended, pursuant to Section 67-5227, Idaho Code, to provide clarity and consistency in the language.**

**The temporary rule has been amended under the authority of the Idaho Transportation Board with the same revisions which have been made to the pending rule. The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code and is being republished following this notice. Only the sections that have changes which differ from the proposed text are printed in this bulletin.**

**The original text of the proposed rules was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 615 through 617.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Alan Frew, Port of Entry Manager, 334-8694.

DATED this 3rd day of November, 2004.

## Senate Transportation Committee

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**IDAHO TRANSPORTATION DEPARTMENT**  
**Overlegal Permittee Responsibility & Travel Restrictions**

**Docket No. 39-0311-0401**  
**PENDING RULE**

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### *The Following Notice Was Published With The Temporary And Proposed Rule*

**EFFECTIVE DATE:** The effective date of the temporary rule is November 1, 2004.

**AUTHORITY:** In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 and 49-1004, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

**Due to ever increasing traffic volumes on the interstate highways, this rule is being modified to restrict over-width permitted vehicles from operating on certain sections of interstate highways during the hours of high-commuter traffic (6:30 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m.). There is a minimal impact to industry since they are already subject to high commuter traffic restrictions on non-interstate state highways.**

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Restricting over-width permitted vehicles from operating on certain section of interstate highways during the hours of high-commuter traffic will protect the public safety.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: There is no fee or charge associated with this rulemaking.

**NEGOTIATED RULE-MAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because immediate implementation will protect the public safety of the traveling public by reducing the congestion already occurring on some stretches of interstate highways.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Alan Frew, Port of Entry Manager, 334-8694.

## Senate Transportation Committee

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### **IDAHO TRANSPORTATION DEPARTMENT** **Overlegal Permittee Responsibility & Travel Restrictions**

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**Docket No. 39-0311-0401**  
**PENDING RULE**

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 20th day of August, 2004.

Linda L. Emry, Management Assistant  
Budget, Policy, and Intergovernmental Relations  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129, Boise ID 83707-1129  
Phone – 208-334-8810 / FAX – 208-334-8195

### **THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

#### **002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter.

(11-1-04)T

#### **003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General."

(11-1-04)T

#### **004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter.

(11-1-04)T

#### **005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129.

(11-1-04)T

**02. Office Hours.** Daily office hours are 7:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays.

(11-1-04)T

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419.

(11-1-04)T

#### **006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code.

(11-1-04)T

**0027. -- 009. (RESERVED).**

## Senate Transportation Committee

### **(BREAK IN CONTINUITY OF SECTIONS)**

#### **200. TIME OF TRAVEL RESTRICTIONS FOR OVER LEGAL LOADS.**

Oversize loads may be transported on Idaho Highways subject to the following conditions:

(10-2-89)

**01. Red-Coded Routes.** Daylight travel until 2 p.m. on Friday, no Saturday, no Sunday. Due to low traffic volumes on these routes early in the mornings of Saturday and Sunday, single trip permits may be issued for dawn to 8 a.m. If the movement is not completed by 8 a.m. the permittee will be required to safely park and not proceed until the next day. (4-5-00)

**02. Black-Coded Routes.** Loads not in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may travel daylight hours seven (7) days per week. (12-26-90)

**03. Interstate.** Loads not in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel twenty-four (24) hours per day, seven (7) days per week; loads in excess of ten (10) feet wide, one hundred and twenty (120) feet long or fourteen (14) feet six (6) inches high may travel daylight hours, seven (7) days per week. (4-5-00)

**04. Additional Restrictions.** (8-25-94)

**a.** Red-Coded Routes: No travel for any load after 2 p.m. on the day preceding a holiday or holiday weekend. A holiday weekend occurs as three (3) consecutive days, when a designated holiday occurs on a Friday or Monday, or when the designated holiday occurs on a Saturday or Sunday, in which case the preceding Friday or the following Monday shall be included in such three (3) day holiday weekend. Travel may be resumed at dawn on the day following the holiday or holiday weekend. (4-5-00)

**b.** Black-Coded Routes and Interstate Routes: Loads in excess of ten (10) feet wide, one hundred (100) feet long or fourteen (14) feet six (6) inches high may not travel after 4:00 p.m. on the day preceding a holiday; travel may be resumed at dawn on the day following the holiday. (4-5-00)

**c.** The following days are designated as holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas. (8-25-94)

**d.** Additional restrictions relating to movement of buildings and houses are listed in IDAPA 39.03.18, "Rules Governing Overlegal Permits for Relocation of Buildings or Houses," Section 400. (4-5-00)

**e.** Other time of travel restrictions may be noted on the permit due to special

## Senate Transportation Committee

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### IDAHO TRANSPORTATION DEPARTMENT Overlegal Permittee Responsibility & Travel Restrictions

Docket No. 39-0311-0401  
PENDING RULE

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circumstances.

(8-25-94)

**05. Hours Of Darkness.** Hours are defined as extending from one-half (1/2) hour after sundown to one-half (1/2) hour before sun rise or at any other time when visibility is restricted to less than five hundred (500) feet. (4-5-00)

**06. Heavy Commuter Traffic Restrictions.** The movement of oversize vehicles or loads which are in excess of twelve (12) feet in width, ~~in excess of eighty five (85) feet in length, or in excess of sixteen (16) feet in height~~ may be prohibited from movement on all state and Interstate highways ~~within the urban limits of the following cities: Boise, Caldwell, Coeur d'Alene, Idaho Falls, Lewiston, Nampa, Pocatello, Twin Falls, Garden City, and Chubbuck~~ at times of heavy commuter traffic. Unless otherwise defined on the permit, the times of heavy commuter traffic shall be considered to be 6:30 a.m. to 8:30 a.m., ~~11:30 a.m. to 1:30 p.m.~~ and 4 p.m. to 6 p.m. ~~This restriction may not apply to sections of completed Interstate Highway within the above listed cities. Such a restriction of oversize load travel to avoid conflict with heavy commuter traffic volumes shall appear on the face of the permit.~~ Restrictions for the operation of overlegal oversize vehicles and/or loads during times of heavy commuter traffic shall appear either on the face of the permit or in the attachments for annual permits. (4-5-00)(11-1-04)T

**07. Hazardous Travel Conditions Restrictions.** Extreme caution in the operation of ~~overweight/oversize~~ permitted vehicle combinations shall be exercised when hazardous conditions exist. The movement of overlegal vehicles and/or loads by overlegal permit shall be prohibited and otherwise valid permits shall automatically become invalid enroute when travel conditions become hazardous due to ice, snow or frost; when visibility is restricted to less than five hundred (500) feet by fog, dust, smoke or smog or other atmospheric conditions. (4-5-00)(11-1-04)T

**08. Delaying Movement.** Enforcement personnel responsible for any section of highway may delay movements and carry out enforcement action for violations involving overlegal permit operations. (4-5-00)

**09. Map Resources.** The Pilot/Escort Vehicle and Travel Time Requirement Map is available at the Idaho Transportation Department Overlegal Permit Office, and Ports of Entry, and District Offices. (4-5-00)

## Senate Transportation Committee

### IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

#### 39.03.41 - RULES GOVERNING TRAFFIC CONTROL DEVICES

DOCKET NO. 39-0341-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective April 1, 2005, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312, 49-201(3), and 67-5229, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

**The proposed rule adopted, by incorporation by reference, the most recent publication of the MUTCD, including Revision One, dated July 21, 2004, with specified exceptions, as noted in the rule-making. All changes and exceptions have been reviewed and approved by FHWA, ACHD and LHTAC. The exceptions were necessary to bring the MUTCD into conformance with Idaho Code, correct errors and accommodate the operations of the department and local transportation agencies. However, unlike previous years, the exceptions were not substantive but necessary due primarily to formatting changes in the 2003 MUTCD.**

**The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 6, 2004 Idaho Administrative Bulletin, Volume 04-10, pages 618 through 624.**

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Lance Johnson, Traffic & Highway Safety Manager, 334-8557.

DATED this 3rd day of November, 2004.

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#### *The Following Notice Was Published With The Proposed Rule*

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Section(s) 40-313, 49-201(3), AND 67-5203A, Idaho Code.



## Senate Transportation Committee

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**IDAHO TRANSPORTATION DEPARTMENT**  
**Rules Governing Traffic Control Devices**

**Docket No. 39-0341-0401**  
**PENDING RULE**

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**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 20, 2004.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

**Adopting, by incorporation by reference, the most recent publication of the MUTCD, including Revision One, dated July 21, 2004, with specified exceptions, as noted in the rule-making. All changes and exceptions have been reviewed and approved by FHWA, ACHD and LHTAC. The exceptions are necessary to bring the MUTCD into conformance with Idaho Code, correct errors and accommodate the operations of the department and local transportation agencies. However, unlike previous years, the exceptions are not substantive but necessary due primarily to formatting changes in the 2003 MUTCD.**

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased: There are no fees or charges associated with this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted. However, FHWA, ACHD, and LHTAC participated in informal negotiations and have reviewed and concurred with all changes and exceptions in this rule-making.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Lance Johnson, Traffic and Highway Safety Manager, 334-8557.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 27, 2004.

DATED this 25th day of August, 2004.

Linda L. Emry, Management Assistant  
Budget, Policy, Intergovernmental Relations  
Idaho Transportation Department  
3311 West State Street  
P O Box 7129, Boise ID 83707-1129  
Phone – 208-334-8810 / FAX – 208-334-8195

**THE FOLLOWING IS THE TEXT OF THE PENDING RULE**

# Senate Transportation Committee

## IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

Docket No. 39-0341-0401  
PENDING RULE

### 004. INCORPORATION BY REFERENCE.

The “Manual on Uniform Traffic Control Devices for Streets and Highways” is published by the Federal Highway Administration of the U.S. Department of Transportation. The ~~Millennium~~ 2003 edition of the Manual and all subsequent amendments, through and including revision number one (1) dated ~~December 28, 2001~~ July 21, 2004, are hereby incorporated by reference and made a part of the Rules of the Idaho Transportation Department. The following exceptions to the Manual are adopted by the Idaho Transportation Board: (3-20-04)( )

**01. Section 2H-04, General Design Requirements For Recreational And Cultural Interest Area Symbol Signs.** On page 2H-21, modify the first sentence under Standard to read as follows: Recreational and cultural interest area symbol signs shall be square or rectangular in shape and shall have a white symbol or ~~legend~~ message and white border on a brown background, with the exception of Scenic Byway signs which shall be allowed to use a multi-colored format. (3-20-04)( )

**02. Section 1A.11, Relation To Other Documents.** On page 1A-107, in the first paragraph under Standard, ~~delete the last referenced publication, “Standard Highway Signs, 1979 Edition (FHWA)”. At the end of the paragraph add the following sentence: “The latest edition of the 2002 Idaho Transportation Department (ITD) Sign Chart shall be a part of this Manual as a reference for all sign number designations and any additional special signs if used on a highway under the jurisdiction of the Idaho Transportation Department. Add the following as the first sentence under Support, “The “Standard Highway Signs, 2002 Edition (FHWA)” as referenced in this Manual shall be adopted as a supporting document.”~~ change the paragraph to read as follows: To the extent that they are incorporated by specific reference, the latest editions of the following publications, or those editions specifically noted, shall be a part of this Manual: Idaho Transportation Department (ITD) Sign Chart; and “Color Specifications for Retroreflective Sign and Pavement Marking Materials” (appendix to subpart F of Part 655 of Title 23 of the Code of Federal Regulations). The “Standard Highway Signs” book (FHWA) shall be a part of this Manual as a supporting document and add the following as the first sentence of the “Support” statement: Idaho Transportation Department Sign Chart includes all signs approved for use on a highway under the jurisdiction of the Idaho Transportation Department, their sign number designations and a cross reference index for comparison of all MUTCD approved signs and those included on the Idaho Transportation Department sign chart. (3-20-04)( )

**03. ~~Section 2C.05, Placement Of Warning Signs.~~** On pages 2C-6 and 2C-7, the ~~attached tables shall be adopted to replace Table 2C-4, “Guidelines for Advance Placement of Warning Signs”.~~ **Section 2C.30, Speed Reduction Signs (W3-5, W3-5a)** on page 2C-15, delete “W3-5” from the title of the section and from the first sentence of the Guidance Statement, and Figure 2C-5, Advisory Speed and Speed Reduction Signs, on page 2C-16, remove the W3-5 sign from the figure. (3-20-04)( )

**04. ~~Section 2C.27, CROSS TRAFFIC DOES NOT STOP Plaque (W4-4P).~~** On page 2C-23, delete the third paragraph titled “Guidance” in its entirety. Replace the fourth paragraph titled “Option” with the following: “The CROSS TRAFFIC DOES NOT STOP (W4-4P) plaque (see page 2C-924) may be used in combination with a STOP sign when engineering judgment indicates that drivers frequently misinterpret the intersection as a multi-way stop condition.” Replace the fifth paragraph titled “Standard” with the following: “If the W4-4P plaque is used, it shall be installed below the STOP sign.” On page 2C-24, revise plaque W4-4P to delete the arrow

# Senate Transportation Committee

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## IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

Docket No. 39-0341-0401  
PENDING RULE

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~~and use text only.~~ **Section 2C.39, Traffic Signal Signs (W25-1, W25-2).** On page 2C-20, delete the section in its entirety, and Figure 2C-8. Intersection Warning Signs, on page 2C-20, remove the W25-1 and W25-2 signs from the figure. (3-20-04)( )

**05. Section 2D.15, Cardinal Direction Auxiliary Signs (M3-1 through M3-4).** On page 2D-126, change the first sentence under Standard to read as follows: “To improve the readability, the first letter of the cardinal direction words shall be ten percent larger, rounded up to the nearest whole number size, except for those sign installations that were in existence prior to the adoption of this rule.” (3-20-04)( )

**06. Section 2E.28, Interchange Exit Numbering.** On page 2E-3624, in the fourth sentence under Standard, revise the sentence to read as follows: “The standard exit number plaque shall include the word EXIT, the appropriate exit number, and the suffix letter A or B (on multi-exit interchanges) in a single-line format on a plaque 750 mm (30 in) in height, except for those sign installations that were in existence prior to the adoption of this rule.” (3-20-04)( )

**07. Section 2E.37, Interchange Sequence Signs.** On page 2E-5538, revise the last Standard to an Option to read as follows: “Interchange Sequence signs located in the median may be installed at overhead sign height.” (3-20-04)( )

**08. ~~FHWA Compliance Dates, Pavement Markings.~~ Revise the FHWA compliance dates for the additional roadways to be striped under the new minimum criteria from January 3, 2003 to January 3, 2005. Table 4C-1, Warrant 1, Eight-Hour Vehicular Volume.** On page 4C-3, remove all references to the 56% volume columns and note “d” and Section 4C.02 Warrant 1, Eight-Hour Vehicular Volume, on page 4C-4, remove the Option statement in its entirety. (3-20-04)( )

**09. Section 4D.04, Meaning Of Vehicular Signal Indications.** On page 4D-52, in the second paragraph of Item C.1, substitute the following for the first sentence: “Except when a sign is in place prohibiting a turn on red or a RED ARROW signal indication is displayed, vehicular traffic facing a CIRCULAR RED signal indication may cautiously enter the intersection to turn right, or to turn left from a one (1) way or two (2) way street into a one (1) way street, after stopping in conformance with the provisions of the Idaho Vehicle Code.” (3-20-04)( )

**10. Section 4K.03, Warning Beacon.** On page 4K-32, in the second paragraph under Standard, revise the second sentence to read as follows: “The beacon shall not be included within the border of the sign.” (3-20-04)( )

**11. Section 5F.02, Highway-Rail Grade Crossing (Crossbuck) Sign Assembly (R15-1, R15-2).** On page 5F-1, in the title add the word “Assembly” after the word “Sign,” and Under Standard, insert the following text as the first sentence: “The Highway-Rail Grade Crossing (Crossbuck) (R15-1) sign (see Figure 5F-1) may be an assembly consisting of separate sign blades, assembled to appear as a single sign when installed at a highway-rail grade crossing.” ( )

**12. Section 5F.04, STOP or YIELD Signs (R1-1, R1-2).** On page 5F-1, delete the first paragraph titled as Option Statement, retaining the Standard for Stop Ahead (W3-1) or Yield Ahead (W3-2) signs and insert the following paragraph as the second paragraph under Standard:

## Senate Transportation Committee

### IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

Docket No. 39-0341-0401  
PENDING RULE

“Under Idaho law, wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the Department or local authorities, the existence of stop signs at a given crossing would constitute a greater hazard than their absence.” ( )

**143. Section 7B.11, School Speed Limit Assembly (S4-1, S4-2, S4-3, S4-4, S4-6, S5-1).** On page 7B-87, in the ~~last fourth~~ paragraph under Option, revise the second sentence to read as follows: “The lenses of the Speed Limit Sign Beacon shall not be positioned within the face of the School Speed Limit (S5-1) sign.” (3-20-04)( )

**124. Section 8B.078, STOP (R1-1) Or YIELD (R1-2) Signs At Highway-Rail Grade Crossings.** On page 8B-76, delete the first five paragraphs titled as “Option, Support and Guidance Statements,” retaining the Standard for Stop Ahead or Yield Ahead Advance Warning signs and ~~substitute~~ insert the following: “~~Standard:~~ paragraph as the second paragraph under Standard: ”Under Idaho law, wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the Department or local authorities, the existence of stop signs at a given crossing would constitute a greater hazard than their absence.” (3-20-04)( )

**135. Section 8B.482, Dynamic Envelope ~~Delineation~~ Markings.** On page 8B-153, revise the first sentence under Standard to read as follows: “If used, the dynamic envelope shall be contrasting pavement color and/or contrasting pavement texture.” And, on page 8B-153, revise the first sentence under Guidance to read as follows: “If used, dynamic envelope pavement markings with contrasting pavement color and/or texture should be placed for a distance of 1.8 m (6 ft) from the nearest rail, installed parallel to the tracks, unless the operating railroad company advises otherwise.” (3-20-04)( )

**146. Figure 8B-48, Typical Train Dynamic Envelope ~~Delineation~~ Pavement Markings.** On page 8B-163, delete Figure in it’s entirety. (3-20-04)( )

**157. Section 8D.07, Traffic Control Signals At Or Near Highway-Rail Grade Crossings.** On page 8D-~~H07~~, in the ~~first full~~ tenth paragraph titled Standard, add text “if justified by an engineering study”, to the end of the final sentence in the paragraph. (3-20-04)( )

**168. Section 10C.034, STOP (R1-1) Or YIELD (R1-2) Signs (~~R1-1, R1-2, W3-1a, W3-2a~~) at Highway-Light Rail Transit Grade Crossings.** On page 10C-~~I2~~ and 10C-24, delete the ~~five (5) paragraphs titled as~~ “~~Standard,~~ Guidance, and Option Statements”, retaining the Standard for Stop Ahead or Yield Ahead Advance Warning signs and ~~substituting~~ insert the following: “~~Standard~~ paragraph as the first paragraph under Standard: “Under Idaho law, wherever a highway crosses one (1) or more railroads at grade, the Department or local authorities within their respective jurisdictions, shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad

# Senate Transportation Committee

## IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

Docket No. 39-0341-0401  
PENDING RULE

crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when, in the determination of the Department or local authorities, the existence of stop signs at a given crossing would constitute a greater hazard than their absence.”

(3-20-04)( )

### 179. Section 10C.125 Dynamic Envelope Delineation ~~Markings~~. (3-20-04)( )

a. ~~Page 10C-9~~. On page 10C-912, delete the word “markings” in the title and, under Support, delete the word “markings” and replace with contrasting pavement color and/or contrasting pavement texture. (3-20-04)( )

b. ~~Page 10C-11~~. On page 10C-112, under Option: ~~revise~~ Replace the sentence ~~to read as follows~~ with the following: “The dynamic envelope may be delineated on the pavement using contrasting pavement color and/or contrasting pavement texture (see Figures 10C-17 and Figure 10C-410).” and (3-20-04)

i. On page 10C-112, delete “Standard, relating to pavement markings in its entirety.” and (3-20-04)

ii. On page 10C-112, revise Guidance, to read as follows: “If used at the light-rail transit crossing, dynamic envelope contrasting pavement color and/or texture should be placed at a distance of 1.8 m (6 ft) from the nearest rail, installed parallel to the tracks, unless the transit authority and/or operating railroad company advises otherwise.” and (3-20-04)

iii. On page 10C-112, delete the work “markings” in all four paragraphs under the second Option and replace with “delineation”. (3-20-04)( )

1820. Figure 10C-28, Typical Light Rail Transit Vehicle Dynamic Envelope Delineation Pavement Markings. On page 10C-103, delete Figure 10C-28 in its entirety. (3-20-04)( )

1921. Section 10D.06, Traffic Signal Preemption Turning Restrictions. On page 10D-64, under the third paragraph titled Guidance: add text “if justified by an engineering study,” to the end of the final sentence in the paragraph.

Table 2C-4. Guidelines for Advance Placement of Warning Signs (English Units) <sup>1</sup>									
Posted or 85th Percentile Speed (mph)	Condition A: High judgement required <sup>2</sup>	Condition B: Deceleration to the listed advisory Speed (mph) for the condition <sup>4</sup>							
		03	10	20	30	40	50	60	70
20	225-ft	N/A <sup>5</sup>	N/A <sup>5</sup>						
25	325-ft	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>					
30	450-ft	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>					
35	550-ft	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>	N/A <sup>5</sup>				

# Senate Transportation Committee

## IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

Docket No. 39-0341-0401  
PENDING RULE

**Table 2C-4. Guidelines for Advance Placement of Warning Signs (English Units)<sup>1</sup>**

40	650-ft	125-ft	N/A5	N/A5	N/A5				
45	750-ft	175-ft	125-ft	N/A5	N/A5	N/A5			
50	850-ft	250-ft	200-ft	150-ft	100-ft	N/A5			
55	950-ft	300-ft	275-ft	225-ft	175-ft	100-ft	N/A5		
60	1100-ft	400-ft	350-ft	300-ft	250-ft	175-ft	N/A5		
65	1200-ft	475-ft	425-ft	400-ft	350-ft	275-ft	175-ft	N/A5	
70	1250-ft	550-ft	525-ft	500-ft	425-ft	350-ft	250-ft	150-ft	N/A5
75	1350-ft	650-ft	625-ft	600-ft	525-ft	450-ft	350-ft	250-ft	100-ft

**Notes:**

~~1. The standard distance calculations in the above chart are based on a sign legibility distance of 175 feet for Condition A which is the appropriate legibility distance for a 5 inch, Series D word legend. The distances for Condition B are based on a sign legibility distance of 250 feet which is appropriate for an alignment warning symbol sign.~~

~~2. Typical conditions are locations where the road user must use extra time to adjust speed and change lanes in heavy traffic because of a complex driving situation. This may be for a multi-lane facility with vehicle weaving and lane change requirements using several of the traffic flow warning signs such as Merge and Lane Ends that requires the application of Driver Decision Sight Distance. The distances are determined by providing the driver a PIEV time of 14.0 to 14.5 seconds for the vehicle maneuvers (2000 AASHTO Policy, Exhibit 3-3, Decision Sight Distance, Avoidance Maneuver E) minus the legibility distance of 175 feet for the appropriate sign.~~

~~3. Typical condition is the warning of a potential stop situation. Typical signs are Stop Ahead, Yield head, Signal Ahead, and Intersection Advance Warning signs. The distances are based on the 2000 AASHTO Policy, Stopping Sight Distance, Exhibit 3-1, providing a PIEV time of 2.5 seconds, a deceleration rate of 11.2 ft/sec<sup>2</sup> minus the sign legibility distance of 175 feet.~~

~~4. Typical conditions are locations where the road user must decrease speed to maneuver through the warned condition. Typical signs are Turn, Curve, Reverse Turn or Curve. The distance is determined by providing a 2.5 second PIEV time, a vehicle deceleration rate of 10 ft/sec<sup>2</sup> minus the sign legibility distance of 250 feet.~~

~~5. No suggested minimum distances are provided for these speeds, as the placement location is dependent on site conditions and other signing to provide an adequate advance warning for the driver. The values have been rounded to uniform distances.~~

**Table 2C-4. Guidelines for Advance Placement of Warning Signs (Metric Units)<sup>1</sup>**

Posted or 85th Percentile Speed (km/h)	Condition A: High judgement required <sup>2</sup>	Condition B: Deceleration to the listed advisory Speed (km/h) for the condition <sup>4</sup>

# Senate Transportation Committee

## IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

**Docket No. 39-0341-0401  
PENDING RULE**

**Table 2G-4. Guidelines for Advance Placement of Warning Signs (Metric Units)<sup>1</sup>**

		03	40	20	30	40	50	60	70	80	90	100	110	120
30 km/h	60 m	N/A5												
40 km/h	100 m	N/A5												
50 km/h	150 m	N/A5												
60 km/h	180 m	30 m	N/A5	N/A5	N/A5									
70 km/h	220 m	50 m	40 m	30 m	N/A5	N/A5	N/A5							
80 km/h	260 m	80 m	60 m	55 m	50 m	40 m	30 m	N/A5						
90 km/h	310 m	110 m	90 m	80 m	70 m	60 m	40 m	N/A5	N/A5					
100 km/h	350 m	130 m	120 m	115 m	110 m	100 m	90 m	70 m	60 m	40 m	N/A5			
110 km/h	380 m	170 m	160 m	150 m	140 m	130 m	120 m	110 m	90 m	70 m	50 m	N/A5		
120 km/h	420 m	200 m	190 m	185 m	180 m	170 m	160 m	140 m	130 m	110 m	90 m	60 m	40 m	
130 km/h	460 m	230 m	230 m	225 m	220 m	210 m	200 m	180 m	170 m	150 m	120 m	100 m	70 m	50 m

**Notes:**

**1.** ~~The standard distance calculations in the above chart are based on a sign legibility distance of 50 m for Condition A which is the appropriate legibility distance for a 125 mm, Series D word legend. The distances for Condition B are based on a sign legibility distance of 75 m which is appropriate for an alignment warning symbol sign.~~

**2.** ~~Typical conditions are locations where the road user must use extra time to adjust speed and change lanes in heavy traffic because of a complex driving situation. This may be for a multi-lane facility with vehicle weaving and lane change requirements using several of the traffic flow warning signs such as Merge and Lane Ends that requires the application of Driver Decision Sight Distance. The distances are determined by providing the driver a PIEV time of 14.0 to 14.5 seconds for the vehicle maneuvers (2000 AASHTO Policy, Exhibit 3-3, Decision Sight Distance, Avoidance Maneuver E) minus the legibility distance of 50 m for the appropriate sign.~~

**3.** ~~Typical condition is the warning of a potential stop situation. Typical signs are Stop Ahead, Yield Ahead, Signal Ahead, and Intersection Advance Warning signs. The distances are based on the 2000 AASHTO Policy, Stopping Sight Distance, Exhibit 3-1, providing a PIEV time of 2.5 seconds, a deceleration rate of 3.4 m/sec<sup>2</sup> minus the sign legibility distance of 50 m.~~

**4.** ~~Typical conditions are locations where the road user must decrease speed to maneuver through the warned condition. Typical signs are Turn, Curve, Reverse Turn or Curve. The distance is determined by providing a 2.5 second PIEV time, a vehicle deceleration rate of 3.0 m/sec<sup>2</sup> minus the sign legibility distance of 75 m.~~

## Senate Transportation Committee

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### IDAHO TRANSPORTATION DEPARTMENT Rules Governing Traffic Control Devices

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Docket No. 39-0341-0401  
PENDING RULE

~~5. No suggested minimum distances are provided for these speeds, as the placement location is dependent on site conditions and other signing to provide an adequate advance warning for the driver. The values have been rounded to uniform distances.~~ (3-20-04)(\_\_\_\_)

### (BREAK IN CONTINUITY OF SECTIONS)

#### 100. AVAILABILITY OF THE “MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS”.

**01. Review Of Manual.** Persons wishing to review the Manual may do so at any of the locations listed in Section 005. The Manual and subsequent amendments are also available for review at the Idaho State Library. (3-20-04)

**02. Purchase Of Manual.** The Manual and all subsequent amendments dated ~~December 28, 2001~~ July 21, 2004, with Revision No. 1 changes may be viewed and printed from the Federal Highway Administration website, <http://mutcd.fhwa.dot.gov> or purchased from a number of organizations described on the website, such as the U.S. Government Printing Office, AASHTO, ATSSA, and ITE. (3-20-04)(\_\_\_\_)